

FILED-CLERK
U.S. DISTRICT COURT

2011 JUN 13 PM 4:04

TEXAS-EASTERN

BY _____

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

David E Mack
Plaintiff

vs

MICHAEL J. SCOTT, P.C.
PALISADES COLLECTION, LLC
Michael J. Scott, SBN: 24000876
Jessica Eckstein, SBN: 24043624
John Doe(s) 1 thru 10
Defendants

Case No. 4:11cv350

Judge Schneider

Trial by Jury Demanded

**ORIGINAL COMPLAINT FOR VIOLATION
OF THE FDCPA**

JURISDICTION

1. This court has jurisdiction under 15 U.S.C. § 1692k(d), 28 U.S.C § 1331.

PARTIES

2. The Plaintiff in this lawsuit is David E Mack, a natural person, who resides in Collin County, Texas.
3. The Defendants in this lawsuit are as follows:

- a. PALISADES COLLECTION L.L.C. (hereinafter PALISADES) is a Foreign Corporation and subsidiary of ASTA FUNDING INC. and according to knowledge and belief is not licensed to do business in Texas.
- b. MICHAEL J. SCOTT P.C. (hereinafter MJSPC) is a Law Firm located in Carrollton, Texas whose primary business is debt collection and litigation.
- c. Michael J. Scott SBN: 24000876 is an attorney and principal of MJSPC
- d. Jessica Eckstein SBN: 24043624 is an attorney employed by MJSPC.

VENUE

- 4. The occurrences which give rise to this action occurred in Collin County, Texas and Plaintiff resides in Collin County.
- 5. Venue is proper in the Eastern District of Texas Sherman Division.

GENERAL ALLEGATIONS

- 6. Defendant PALISADES sent a collection notice to Plaintiff for an alleged debt owed to PALISADES account #4417122379005839 dated May 29, 2009.
- 7. Plaintiff sent a cease and desist notice as well as a dispute and demand for validation of the alleged debt in a letter dated June 4, 2009 sent by certified mail # 70081300000038359496 which was received by PALISADES on June 2009.

8. Plaintiff received a reply from PALISADES of nothing other than copies of a couple alleged credit card account statements with no signed verification or accounting of the alleged account or copy of any signed contract or agreement.
9. Plaintiff received another collection notice from PALISADES dated October 26, 2010.
10. Plaintiff again requested proper validation and gave notice to cease and desist once again from any further collection until validation was provided.
11. The validation demand was sent by certified mail # 700922500003722208009 and Plaintiff received nothing more than a couple alleged account statement copies with no signed verification, accounting, or copy of any alleged signed contract or agreement.
12. Plaintiff, as a consumer, received a collection notice from MJSPC signed by Michael J. Scott on behalf of PALISADES dated March 16, 2011.
13. Plaintiff sent yet another demand for validation and notice to cease and desist from collection activities until validation was made of the alleged debt.

COUNT I

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT (FDCPA) 15 U.S.C. § 1692g(B) BY DEFENDANTS PALISADES, MJSPC, Michael J. Scott and Jessica Eckstein

14. Paragraphs 1 through 13 are realleged as though fully set forth herein.
15. Plaintiff is a consumer within the meaning of the FDCPA § 1692a(3).

16. PALISADES, MJSPC, Michael J. Scott and Jessica Eckstein are debt collectors within the meaning of the FDCPA § 1692a(6).
17. Plaintiff, as a consumer, received a letter from MJSPC dated March 22, 2011 stating they had done an investigation and were resuming collection activity and enclosed virtually nothing as evidence of ANY type of validation attempt.
18. The letter received by Plaintiff from MJSPC on behalf of PALISADES stated *“PLEASE BE ADVISED THAT THE PURPOSE OF THIS LETTER IS TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE”* and was signed “Michael J. Scott/Jessica Eckstein”.
19. Defendants, as debt collectors, violated U.S.C. Title 15 § 1692g(B) by sending a collection notice to Plaintiff when numerous demands for validation and demands to cease and desist from collection activities sent to PALISADES and MJSPC had not been complied with as required under the FDCPA.

Wherefore, Plaintiff demands judgment for statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692k(2)(A), attorney’s fees, and costs against each and every Defendant.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Dated: June 13, 2011

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David E. Mack", written over a horizontal line.

David E. Mack
7720 McCallum Blvd. #2099
Dallas, Texas 75252
972-735-9642

Service to:

PALISADES COLLECTION, LLC
210 Sylvan Avenue
Englewood Cliffs, NJ 07632

MICHAEL J. SCOTT, P.C.
1120 Metrocrest Drive
Carrollton, Texas 75006

Michael J. Scott
1120 Metrocrest Drive
Carrollton, Texas 75006

Jessica Eckstein
1120 Metrocrest Drive
Carrollton, Texas 75006